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5 Attorneys for Defendant
6 Evergreen Pulp, Inc.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA, the
PEOPLE OF THE STATE OF CALIFORNIA,
12 *ex rel.* CALIFORNIA AIR RESOURCES
BOARD, and NORTH COAST UNIFIED AIR
13 QUALITY MANAGEMENT DISTRICT,

14 Plaintiffs,

15 vs.

16 EVERGREEN PULP, INC.,

17 Defendant.
18

Case No. C 07 5067 SBA

STIPULATION AND [PROPOSED] ORDER
EXTENDING CERTAIN PRETRIAL DATES

19 Defendant Evergreen Pulp, Inc. ("Evergreen"), and Plaintiffs United States of America, the
20 People of the State of California *ex rel.* California Air Resources Board, and the North Coast
21 Unified Air Quality Management District (collectively "Plaintiffs"), hereby agree and stipulate as
22 follows:

23 1. On October 2, 2007, Plaintiffs filed a Complaint against Evergreen pursuant to
24 Section 113 of the Clean Air Act, 42 U.S.C. § 7413, California Health & Safety Code § 42403,
25 and North Coast Unified Air Quality Management District Rule 105. On the same date, Plaintiffs
26 lodged a Consent Decree that, if approved and entered as the judgment of the Court in this case,
27 would resolve the claims alleged in the Complaint.
28

2. Evergreen's response to the Complaint is currently due to be filed on or before October 25, 2007.

3. The Consent Decree cannot be entered as the judgment of the Court until the close of a 30 day public comment period and the preparation thereafter by Plaintiffs of responses to comments, if any. The public comment period began on October 12, 2007, with publication of notice in the *Federal Register*.

4. On October 2, 2007, the Court issued an Order Setting Initial Case Management Conference and ADR Deadlines, establishing the following deadlines:

- December 20, 2007: Last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, discovery plan, file a Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference.
- January 3, 2008: Last day to file Rule 26(f) Report, complete initial disclosures or state objections in Rule 26(f) Report, and file Case Management Statement per attached Standing Order regarding Contents of Joint Case Management Statement.
- January 10, 2008: Initial Case Management Conference.

The Order Setting Initial Case Management Conference and ADR Deadlines provides that "[i]f the Initial Case Management Conference is continued, the other deadlines are continued accordingly."

5. In light of the lodging of the proposed Consent Decree, which, if entered, will resolve this action completely, and in order to avoid incurring unnecessary expense in an action that the Parties have agreed to resolve without further litigation, the Parties stipulate to, and request that the Court adopt, the following revision to the Order Setting Initial Case Management Conference and ADR Deadlines:

- a. *Last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, discovery plan, file a Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference:* Eighty days after (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b)

notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

b. *Last day to file Rule 26(f) Report, complete initial disclosures or state objections in Rule 26(f) Report, and file Case Management Statement per attached Standing Order regarding Contents of Joint Case Management Statement:* Ninety days after (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

c. *Initial Case Management Conference:* To be set by the Court, following (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first, for a date at least one week after the filing of the Case Management Statement.

6. Evergreen's response to the Complaint shall be filed no later than thirty (30) days after (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

7. Should the Consent Decree be approved by and entered as the judgment of the Court, the foregoing deadlines shall be vacated.

8. There have been no previous modifications to or extensions of dates set forth in any order of this Court.

SO STIPULATED.

Dated: October 17, 2007

ALLEN MATKINS LECK GAMBLE
MALLORY & NATSIS LLP
DAVID D. COOKE

By: /s/ David D. Cooke

DAVID D. COOKE
Attorneys for Defendant
Evergreen Pulp, Inc.

1 Dated: October 17, 2007

RONALD J. TENPAS
Acting Assistant Attorney General
Environment & Natural Resources Division
United States Department of Justice

4 By: /s/ Ann C. Hurley

5 ANN C. HURLEY
6 Attorneys for Plaintiff
United States of America

7 Dated: October 17, 2007

8 OFFICE OF THE CALIFORNIA ATTORNEY
GENERAL
9 EDWIN G. BROWN, JR.
Attorney General of the State of California

10 MARY HACKENBRACHT
11 Assistant Attorney General

12 By: /s/ Anita E. Ruud

13 ANITA E. RUUD
14 Attorneys for Plaintiff
California Air Resources Board

15 Dated: October 17, 2007

LAW OFFICES OF NANCY DIAMOND
NANCY DIAMOND

17 By: /s/ Nancy Diamond

18 NANCY DIAMOND
Attorneys for Plaintiff
19 North Coast Unified Air Quality
Management District

20 Attestation Regarding Signature: This document is being filed electronically under my
21 User ID and Password. Pursuant to General Order 45, Section X.B, I hereby attest that
22 concurrence in this filing of this document has been obtained from each of the other signatories to
23 this document.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct. Executed October 17, 2007 in San Francisco, California.

27 /s/ David D. Cooke

28 David D. Cooke

[PROPOSED] ORDER

Pursuant to stipulation, and for good cause shown, the Order Setting Initial Case Management Conference and ADR Deadlines, is hereby amended to provide as follows:

1. Last day to meet and confer regarding initial disclosures, early settlement, ADR process selection, discovery plan, file a Joint ADR Certification with Stipulation to ADR Process or Notice of Need for ADR Phone Conference: Eighty (80) days after (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

2. Last day to file Rule 26(f) Report, complete initial disclosures or state objections in Rule 26(f) Report, and file Case Management Statement per attached Standing Order regarding Contents of Joint Case Management Statement: Ninety (90) days after (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

3. Initial Case Management Conference: To be set by the Court, following the (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first, for a date at least one week after the filing of the Case Management Statement.

4. Evergreen's response to the Complaint shall be filed no later than thirty (30) days after (a) filing of a notification to the Court that the Consent Decree as lodged should not be entered, or (b) notification by the Court to the Parties that it will not enter the Consent Decree, whichever occurs first.

5. Should the Consent Decree be approved by and entered as the judgment of the Court, the foregoing deadlines shall be vacated.

SO ORDERED.

Dated: _____, 2007

Honorable Sandra B. Armstrong
United States District Judge